

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

07 CR 730 (CM)

RUOPIAN CHEN and XUJIA WANG,

Defendants.

~~PROPOSED~~ ORDER

WHEREAS Defendants Ruopian (Rubin) Chen and Xujia (Jennifer) Wang (collectively, "Defendants") each entered into a written plea agreement with the United States Attorney Office for the Southern District of New York on August 2, 2007;

WHEREAS each of those plea agreements contained forfeiture provisions;

WHEREAS this Court sentenced Defendants on December 4, 2007;

WHEREAS Judgments were entered on December 11, 2007, whereby this Court, among other things, ordered Defendants to forfeit \$611,248 to the United States;

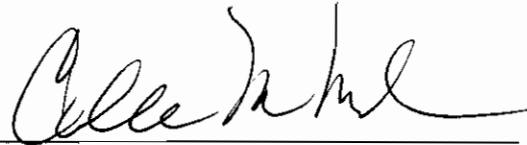
WHEREAS Defendants have advised the Court that they have reached an agreement in principle with the Securities and Exchange Commission (the "SEC") to settle the civil case *SEC v. Wang and Chen*, 07 CV 3715 (AKH) (S.D.N.Y.), and that the parties to that action are close to finalizing the settlement documents, it is hereby:

1. ORDERED that the Judgments entered in this case be modified to provide that payment of a total of at least \$611,248 (the ordered forfeiture amount) to the SEC in disgorgement, interest, and penalties in settlement of the civil case satisfies each of Defendants' forfeiture obligations in full;

2. FURTHER ORDERED that the United States Attorney's Office shall not enforce the forfeiture provisions of Defendants' plea agreements with the United States Attorney's Office for a period of thirty (30) days from the date of the issuance of this order; and

3. FURTHER ORDERED that the forfeiture provisions of Defendants' plea agreements with the United States Attorney's Office shall become null and void upon execution of the settlement agreement by the SEC and Defendants.

This 28th day of January, 2008.



Hon. Colleen McMahon
United States District Judge